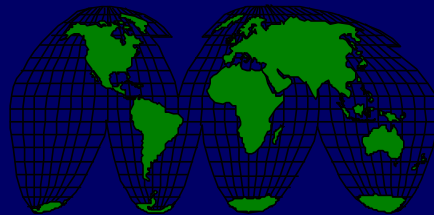
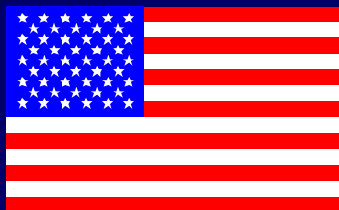
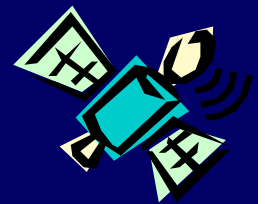
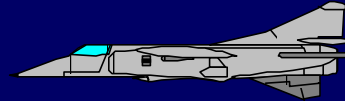


# The NASA Export Control Program

John F. Hall, Jr.

Manager, International Technology Transfer Policy  
& NASA Export Administrator

NASA Headquarters



# Just What is An Export?

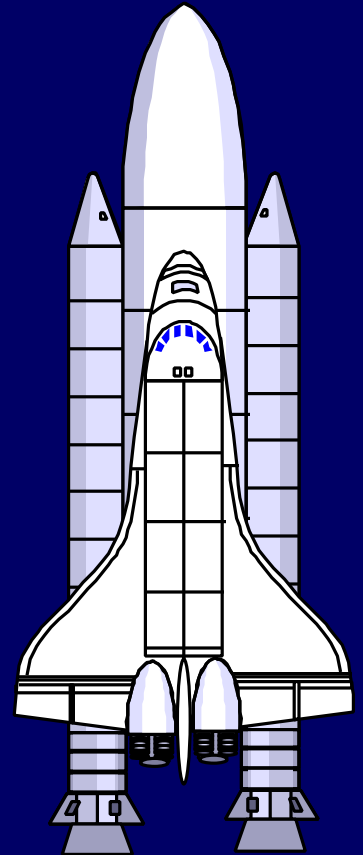
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- The transfer of anything (equipment, data, information, software) to a “FOREIGN PERSON” or a foreign destination by any means, anywhere, anytime, or a transfer to a “U.S. PERSON” with knowledge that the item will be further transferred to a “FOREIGN PERSON”
- Therefore, it’s all of the following and more:
  - Traditional “Shipments” of items thru Center transportation offices outside the U.S.
  - Placing information in the Public Domain
  - Placing information on Internet Web Sites
  - Verbal discussions w/foreign nationals or presentations to groups that include foreign nationals
  - Hand-carrying items outside the U.S.
  - Mailing, faxing, e-mailing items outside the U.S. or to foreign nationals within the U.S.
  - etc., etc.

# Main Reasons Certain Exports are "Controlled" by U.S. Law

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- ❑ National Security (NS)
- ❑ Foreign Policy (FP)
- ❑ Proliferation (MT, NP, CB)



# Export Control Laws

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- ❑ **International Traffic in Arms Regulations (ITAR)** (22 CFR 120-130)– promulgated under the Arms Export Control Act of 1976, 22 U.S.C. §§ 2778 et seq.; control the export of goods and technical data on the United States Munitions List (USML). USML items are mainly “military” in nature
- ❑ **Export Administration Regulations (EAR)** (15 CFR 732-774) – promulgated under the Export Administration Act of 1979, 50 U.S.C. app. §§ 2401 et seq.; control the export of goods and technical data on the Commerce Control List (CCL). Items on the CCL are typically referred to as “dual-use” items

# Public Domain v. Export Controlled Information

- Not all “exports” are controlled
- Information in the *Public Domain* is “uncontrolled” and is eligible for “unlimited” dissemination
- Information subject to *Export Control* is restricted for dissemination
  - May require a license, or
  - May be eligible for a license exception or exemption

# ITAR License Exemptions

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## ☐ Commonly-used ITAR (22 CFR 120-130) License Exemptions

- 123.4(a) & (b) – Temporary imports
- 123.16(b) – Exports of parts, components, models
- 125.4(b)(1) – Technical data exports directed by DOD
- 125.4(b)(3) – Technical data exports directed by USG agency
- 125.4(b)(5) – Technical data exports for lawfully exported articles
- 125.4(b)(7) – Technical data returned to sender
- 125.4(b)(10) – Technical data disclosed to university employees
- 125.4(b)(11) – Technical data authorized by DTC written exemption
- 125.4(b)(13) – Publicly available data about defense articles
- 125.5(c) – Plant visits
- 126.4(a) – Exports by or for USG agency
- 126.4(c) – Imports/Exports for use by USG agency abroad
- 126.5 – Canadian Exemptions

# EAR License Exemptions

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## □ Commonly-used EAR (15 CFR 738 –740) License Exceptions

- 738.4 NLR – No License Required
- 740.11 GOV– Exports consigned to and for the use by U.S. Government ....
- 740.4 GBS– Exports of commodities controlled for National Security only.....
- 740.10 RPL – One-for-One replacement parts for previously exported equipment....
- 740.3 LVS– Single shipment exports of eligible commodities and identified by a \$ value limit....
- 740.5 CIV– Exports to former communist bloc countries....
- 740.7 CTP– Exports of certain computers and components.....
- 740.13 TSU– Operation technology and software.....
- 740.6 TSR– Exports of technology and software controlled for national security reasons only
- 740.9 TMP – Temporary exports of commodities and software .....
- 740.17 ENC– Exports and re-exports of controlled encryption items.....

# Here's an important principle:

## *Export Control Violations are Federal Crimes*

### ❑ Protect Yourself: The Export Laws and Regulations Have Teeth and Can “Bite”

#### ■ ITAR Criminal and Civil Penalties

- Fine of up to \$1 million per violation
- Imprisonment - 10 years per violation

#### ■ EAR Criminal and Civil Penalties

- Fine of \$100,000+
- Imprisonment for up to 10 years



➤ That's one reason why we need to be concerned about the export practices of the Agency and its employees



# Punishment for Export Control Violations



# Why NASA Must be Concerned About Its Export Practices

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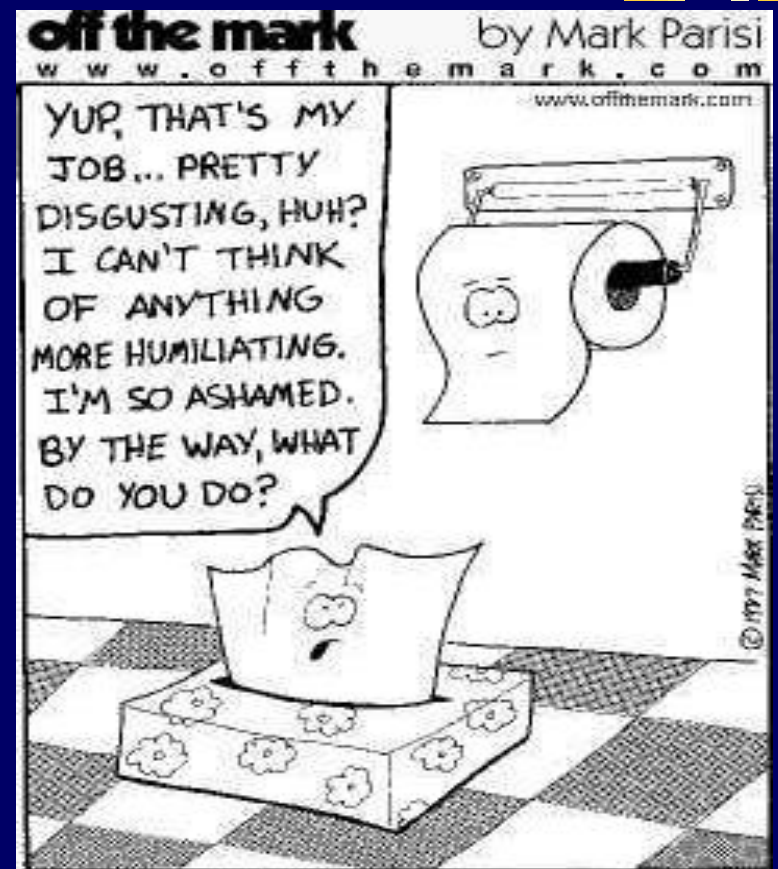
- Exporting is a “privilege”, *not a “right”*
- Exporting privileges can be revoked, precluding our ability to conduct international activities
- NASA holds significant expertise in space launch vehicle, satellites and other advanced/controlled technologies that others would love to have
- And don't forget, export control violations can -- and do -- lead to criminal prosecution

# The NASA Export Control Program

- Originally published in November 1995 (revised as NPD 2190.1; NPG 2190.1) - Includes an **Export Processing Template** – *Roadmap to Compliance*
- Centralized Export Control policy & compliance in single office at NASA Headquarters; Assigns export responsibilities and standardizes Agency procedures
- Export Administrators and Counsel named at each Center - resident “experts” on export laws & regulations

# Bottom Line

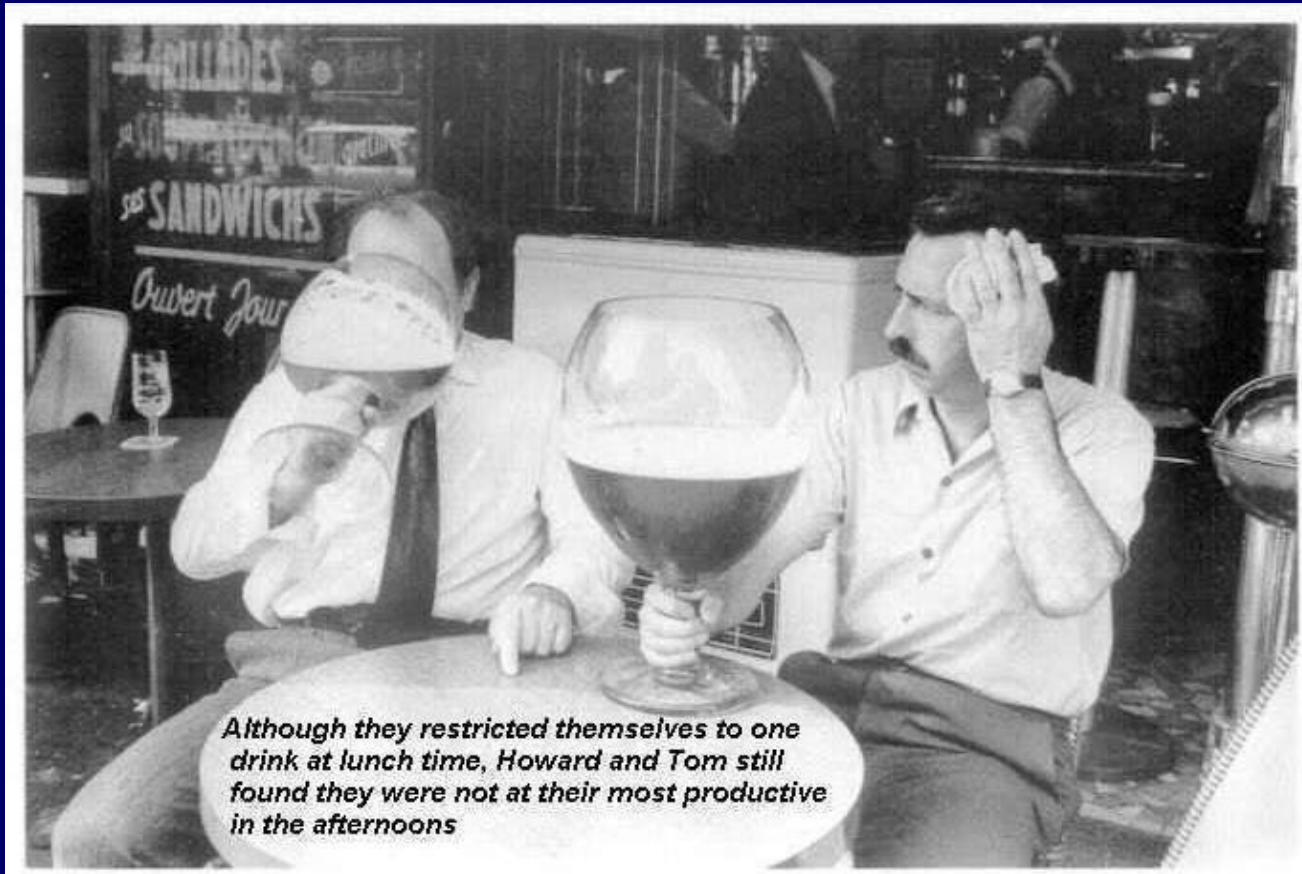
- Every NASA employee has a responsibility to observe U.S. export laws and regulations, to comply with NASA's Export Control Program, and to be a "responsible" exporter



Life of an Export Control Official



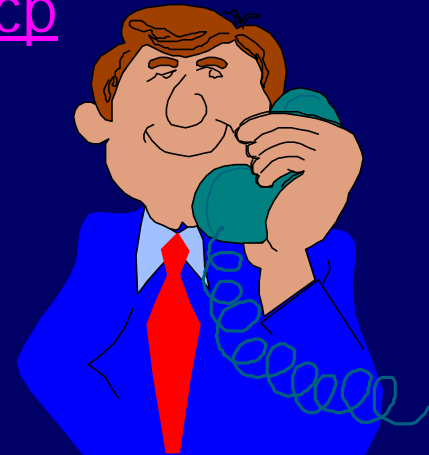
# NASA PMs Need to Do Export Planning to Avoid Waiting



# Summary: Where Can I Get Help?

## ✓ Call Your Center Export Officials:

<http://www.hq.nasa.gov/office/codei/nasaecp>



## ✓ Call Washington

- John Hall: 202-358-0330